

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MOOG INC.,

Plaintiff,

v.

SKYRYSE, INC., ROBERT ALIN
PILKINGTON, MISOOK KIM, and DOES
NOS. 1-50,

Defendants.

Civil Action No. 1:22-cv-00187-LJV-JJM

**SKYRYSE’S MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE TO FILE A
SUPPLEMENTAL REPLY**

Defendant Skyryse, Inc. respectfully submits this Motion for Leave to File a Supplemental Reply in connection with its pending Motion to Dismiss or, Alternatively, to Transfer Venue (ECF 48, amended at ECF 117). Skyryse filed a supplemental brief in support of its motion on August 10, 2022 (ECF 224), and Moog filed a supplemental opposition on August 17, 2022 that raised new issues (ECF 239.)

Skyryse respectfully requests the opportunity to respond to arguments Moog raised for the first time in its supplemental opposition, and in two emails to the Court which were sent after Skyryse filed its supplemental brief on August 10, 2022. (Ex. B, August 11 email from R. Fluskey to the Court and August 12 email from R. Andoh to the Court). Specifically, in its opposition and in these emails, Moog for the first time argued that Skyryse consented to jurisdiction and venue for the preliminary injunction motion when it entered into two procedural stipulations on March 11 and March 17. (ECF 25, 33.) Skyryse respectfully requests the opportunity to respond to this argument.

In response to Moog's August 12, 2022 email, the Court explicitly stated that "anything that could underlie any decisions which I make should be part of the formal record." (Ex. B, August 12 email from the Court). Skyrirse now requests leave to file a supplemental reply to ensure that its response to this argument, which Moog raised for the first time only after Skyrirse filed its supplemental brief on August 10, 2022 (ECF 224), is part of the formal record in this case.

For these reasons, Skyrirse respectfully seeks the Court's leave to file the supplemental reply attached as **Exhibit A** in support of its Motion to Dismiss or, Alternatively, to Transfer Venue.

Dated: August 23, 2022

/s/ Gabriel S. Gross

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